

MR853-744

Serial Number: 10/789,238

Reply to Office Action dated 17 December 2007

REMARKS/ARGUMENTS

At the outset, the courtesies extended by the Examiner and his primary examiner in granting the 4 March 2008 interview are appreciatively noted. At the interview, the references cited by the Examiner in the 17 December 2007 Office Action were discussed in light of the clarifying amendments proposed to the Claims by the undersigned Attorney, as set forth herein.

Responsive to the 17 December 2007 Office Action and the discussions had at the interview, Claim 2 has now been amended for further prosecution with the other pending Claims. It is believed with such amendment of Claim 2 there is a further clarification of its recitations. Additionally, the Specification has been amended to be in conformity with newly amended Fig. 5. No new matter has been added to either Fig. 5 or the Specification.

In the Office Action, the Examiner rejected Claims 2, 3 and 13-16 under 35 U.S.C. § 103(a) as being unpatentable over Baltierra (U.S. Patent 5,755,239) in view of Singer (U.S. Patent 6,289,901), Hart (U.S. Patent 1,476,508) and Henkel (U.S. Patent 1,113,168). The Examiner additionally rejected Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Baltierra in view of Singer, Hart and Henkel as applied to Claims 2, 3, 5 and 13-16 above, and further in view of Grigoletto (U.S. Patent 5,620,455). Finally, the Examiner rejected Claims 2-5 and 13-16 under 35 U.S.C. § 103(a) as being unpatentable over Baltierra in view of

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Singer, in view of either one of Hart and Henkel, further in view of Volinsky (U.S. Patent 5,342,379) and Parmley ("Plastic Snap Fit ..." pp.20-28 and 20-29).

As now amended, independent Claim 2 more clearly recites a manicuring appliance having among its combination of features a proximal member including a formed upstanding wall, a rear support structure, and a lip portion. The lip portion projects "longitudinally beyond said upstanding wall member to define a guide surface for slidably engaging a curved cutting area." The arcuately formed blade member can then be "received in a space defined between said arcuately formed upstanding wall member and said rear wall support." Once the arcuately formed blade member is received between the upstanding wall member and the rear wall support, the blade member extends "transversely beyond said arcuately formed upstanding wall member to terminate at a side cutting edge." Such a configuration, for example, permits the lip portion to slide under a fingernail cuticle, raise the fingernail cuticle, and then serve as a guide while the side cutting edge is advanced therealong the fingernail cuticle to trim.

The full combination of these and other features now more clearly recited by Applicant's pending Claims is nowhere disclosed by the cited references. Note in this regard that the pterygium spade 10 of Baltierra is merely a "handle portion and a dome portion, the latter terminating in an arcuate blade edge." (column 1; lines 22-26). Accordingly, the arcuate blade edge of the integral dome portion 14 is not received "in a space defined between said arcuately formed upstanding wall

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member and said rear wall support” as Claim 2 now recites, and is not “removeably displaceable” as dependent Claim 3 recites. As such, the structural distinctions between the Baltierra device and the manicuring appliance that is the subject of this patent application become evident insomuch as the cutting edge in Baltierra is horseshoe shaped and not received “in a space defined between said arcuately formed upstanding wall member and said rear wall support.”

Given such contrary teachings of the primarily-cited Baltierra, the secondarily-cited Singer, Hart, Henkel, Grigoletto, Volinsky and Parmley references are found to be quite ineffectual to the present patentability analysis. None of the reference anywhere disclose or even suggest a manicuring appliance having the full combination of features, such as, a arcuately formed upstanding wall member, a rear support structure, and a lip portion wherein an arcuately formed blade member is “received in a space defined between said arcuately formed upstanding wall member and said rear wall support” as Claim 2 now more clearly recites. It is respectfully submitted that the Baltierra, Singer, Hart, Henkel, Grigoletto, Volinsky and Parmley references, even when considered together, fail to disclose the unique combination of elements now more clearly recited by Applicant’s pending Claims for the purposes and objectives disclosed in the Patent Application.

It is now believed that the subject Patent Application has been placed fully in condition for allowance, and such action is respectfully requested.

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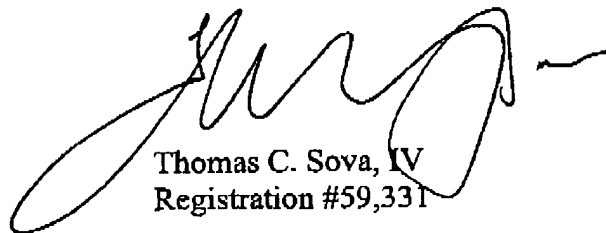
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Respectfully submitted,

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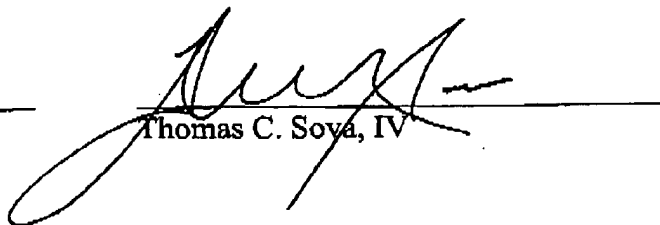
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